REMARKS

In this Second Office Action, claims 1-10 and 12-19 are rejected. Based on the following, it is respectfully requested that the claims, as amended, be reconsidered and allowed over the cited art.

Claim Rejections - 35 U.S.C. § 112 (First Paragraph)

The rejection is based upon the use of the words "comparing" and "determining" in claims 1 and 19. It is maintained by the undersigned that these two words are well known in computer science and that one skilled in the art would be able to make and/or use the present invention in compliance with 35 U.S.C. § 112, first paragraph.

The word "compare" (in data management) means: to examine two items to determine their relative magnitudes, their relative positions in a given sequence, or whether they are identical. The New IEEE Standard Dictionary of Electrical and Electronics Terms (5th Ed. at 221, 1993). The Dictionary of Computers, Information Processing, and Telecommunications (2d Ed. at page 111, 1987) defines compare: "to examine two items to discovery their relative magnitudes . . . ." The Applicant makes use of the aforesaid definitions of compare.

With respect to the meaning of the word "determine," the common ordinary meaning is used: "to calculate precisely." Webster's New World College Dictionary (3rd Ed. 1997, at page 375). Computers do that.

In Figure 4, please note "Obtain Processor Time" 410, "Compare to Auction Time" 430, and "Display Processor Time Left" 440. In the "Statement of the Problem," the conventional on-line service as shown in Figure 1 shows an official time 160 which represents an auction time that may be significantly different (due to time zones) than the bidder's own processor for computer time. As fully stated on page 3 in the "Summary of the Invention," the present invention obtains the processor time, and compares it to the official auction time. Based upon the above definitions, the two items are examined to discover their relative magnitudes, and based upon this discovery, correlates the end of time from the on-line auction service to a processor end of time which corresponds to the user's time. The computer then determines and displays the time left correlated to the processor's time, preferably in a visual countdown graphical icon. A person skilled in the art based upon common computer definitions fully understands the claimed invention.

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Claim Rejections - 35 U.S.C. § 112 (Second Paragraph)

Claims 1 and 19 are rejected for their use of the word "comparing." The rejection states:

> "The word "comparing" is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes, the word "comparing" will be treated as meaning synchronization."

It has never been the legal requirement of claims to "define." The above definitions and arguments are incorporated herein.

It is not proper for the Rejection to contrive a new meaning for the word "comparing" as meaning "synchronization." And, the aforesaid Dictionary of Computers defines "synchronize" as "locking the elements of a system into step with one another." "Synchronize" is not even a synonym for "compare!" See, The Synonym Finder, J.I. Rodale (1978, at page 198). Claims 1 and 19 comply with first and second paragraphs of 35 U.S.C. § 112.

Claim Rejections - 35 U.S.C. § 112 (Second Paragraph)

Claims 12-17 are rejected as being indefinite. Claims 12 and 13 are amended to depend from claim 10. The Applicant thanks the Examiner for this observation.

Claim Rejections - 35 U.S.C. § 103

In the Rejection, claims 1, 10, and 19 are rejected as unpatentable over AuctionTamer (i.e., Tamer) and Bloomfield. It is respectfully requested that pages 4-6 of the Tamer reference be withdrawn from all further consideration.

a. Only Pages 2 and 3 of Tamer are Prior Art

It is clear that page 1 of Tamer is not a prior art reference (as it is dated April 1, 2004), but merely conveys information that on November 27, 1999 WayBackMachine is alleged to have archived the website for www.envsoftware.com. Page 2 of Tamer in the http address states "19991127..." which corresponds to the November 27, 1999 date of archiving on page 1. Page 3 also contains "19991127..." which corresponds to the same date. However,

pages 4, 5 and 6 clearly refer to dates well past the priority date (January 26, 2000) of the pending application. Page 4 provides "20000301..." corresponding to the March 1, 2000 date on page 1, page 5 provides "20000303..." which corresponds to the March 3, 2000 date and page 6 provides "20000408..." which corresponds to a date not listed on page 1. In the following, only pages 2 and 3 of Tamer will be considered as prior art. Attached as Exhibit A is a FAQ on reading dates from www.archive.org. The Examiner is put to strict proof to show otherwise.

With respect to page 2 of Tamer, there is nothing of pertinence on page 2 to the present invention. With respect to page 3, it is noted that the words "Watch the time tick down" has been underlined. The quote is part of a paragraph which states:

> "AuctionTamer is a customized tabbed internet browser with a built-in auction item watch list. AuctionTamer makes it easy to use and switch between auction sites at eBay, Amazon, Yahoo and the FairMarket Network which includes Microsoft, Excite, Lycos, ZDNet and others. AuctionTamer is very easy to use, simply find an item by using the built-in auction browser and clicking the Add button. AuctionTamer will add it to the watch list and keep track of it for you. Watch the time tick down, and see the # of bids and the last bid amount change automatically. All items from multiple auction sites are displayed in one easy to read list." (emphasis added by the Rejection)

However, this does not provide any new teachings whatsoever to the claimed invention and more importantly, the accompanying graphic on page 3 of Tamer was not provided. Please note in Figure 1 of the application, and as fully set forth in the prior art, eBay provides the exact same information, the item, the last price, the number of bids and the official time and how much time is left until the auction ends. As in Tamer, a person looking at eBay can also "Watch the time tick down." Tamer does not teach any of the method steps found in the pending claims. Claim 1 does not claim "watching."

b. Claims 1, 10 and 19

With respect to claim 1, there is no discussion in Tamer of (1) obtaining the processor time in the computer of the bidder, (2) comparing in the computer of the bidder the obtained processor timed bid to the obtained official time, (3) determining in the computer of the bidder the processor time left for said item in the on-line auction based on the processor time, and

(4) displaying in the computer processor time left for the item. There is simply no discussion in Tamer of <u>any</u> of these four claimed method steps!

The Rejection recognizes the great advantage of the present invention:

"... displaying in the computer of the bidder the processor time left for said item - in order to provide a trustworthy and easily identified and initiated method and system to display time ..." (pages 5-6).

But, not in Tamer does <u>this</u> exist, nor in Bloomfield.

The Rejection points to Figure 5 of Bloomfield, but not to any text. Figure 5 shows a system clock 124, not a count-down clock. There is only <u>one</u> mention of this in Bloomfield:

"In this particular example, the selectable icons appearing within System Startup window 120 include a system clock 120 ... (column 6, lines 56-58).

The Examiner is requested to strictly prove that Bloomfield has any teachings supporting the Rejection's conclusionary statements based upon hindsight.

Bloomfield provides no further teachings and the discussion concerning Bloomfield in the prior Response is hereby incorporated by reference. Bloomfield discloses and teaches that processor time in a computer which is well known. Until the Applicant's disclosure, however, the official on-line auction time has not been compared with the processor time to provide a display of the processor time left for the auction.

c. Claims 2-9 and 12-18 Rejection

Claims 2-9 and 12-18 are rejected under 35 U.S.C. § 103(a) based on Tamer and Bloomfield, and further in view of Nguyen. The arguments with respect to Tamer and Bloomfield are incorporated herein by reference.

Likewise, Nguyen, as discussed in the prior Response, which is incorporated herein by reference, does not disclose a countdown clock graphical icon. Nguyen only states:

"An example of the situation where the notification class does not need to interact with an applet is the clock icon of a welcome screen. The clock icon is animated to show the correct time, but no other user modification is required for the welcome screen. " (Nguyen at col. 13, lines 22-24)

A simple clock is shown as a welcome screen. This is not the countdown clock graphical icon of claims 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, or 18 as clearly shown in Figure 5, nor does Nguyen provide any teachings of the claimed invention found in any of the

independent claims. Specifically with respect to Nguyen, the Examiner states that Nguyen at column 13, lines 24-28 teaches a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said auction (column 13, lines 24-28 as well as (4 and related claim 13). <u>This simply is not correct</u>! Nguyen provides no such teaching of any indicator, graphical or otherwise, moving in a direction toward zero. Lines 25-28 at column 13 of Nguyen states:

> "The clock icon is animated to show the correct time, but no other user modification is required of the welcome screen. Thus, the clock icon animation may be animation may be handled within the notification class in a general run() method."

The above quote actually contradicts the Examiner's interpretation. The clock icon of Nguyen shows the correct time such as a clock on a watch face. The graphical icon of the present invention does not show the correct time, but rather graphical indication of a countdown to zero. The distinction is critical, as the end user in the present invention needs to rapidly determine how much time is left.

Dependent Claims

Each independent claim is patentably distinct over Tamer, Bloomfield, and/or Nguyen taken individually or together.

<u>Claims 2-8, 12-17</u> - Not one cited reference shows a count down graphical item counting towards zero based on all of the steps of claim 1.

<u>Claims 9 and 18</u> - Not one cited reference shows the providing and clicking steps.

All claims are in condition for allowance and such allowance is respectfully requested.

Should you have any questions regarding the above, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

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If you have Javascript turned off, images and links will be from the live web, not from our archive of old Web files.

How did I end up on the live version of a site? or I clicked on X date, but now I am on Y date, how is that possible?

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Exhibit A